

United States Bankruptcy Court  
District of Massachusetts

CHAPTER 13 PLAN

Filing Date: _____	Docket #: _____
Debtor: <b>Moriarty, Jason S.</b>	Co-Debtor: <b>Moriarty, Lindsey B.</b>
SS#: <b>3967</b>	SS#: <b>2006</b>
Address: <b>43 Colburne Path</b>	Address: <b>43 Colburne Path</b>
<b>W. Yarmouth, MA 02673</b>	<b>W. Yarmouth, MA 02673</b>
_____	_____

Debtor's Counsel:

**Smeloff & Benner**  
**100 Grossman Drive - Suite 305**  
**Braintree, MA 02184**

**(781) 843-2323**  
**(781) 843-2324**

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**United States Bankruptcy Court  
District of Massachusetts**

**CHAPTER 13 PLAN**

Docket#:

DEBTORS: (H) Moriarty, Jason S. SS# 3967  
(W) Moriarty, Lindsey B. SS# 2006

TERM OF THE PLAN 36 Months.

(If the plan is longer than thirty-six (36) months and debtor's plan is governed by 11 U.S.C § 1322 (d)(2), a statement of cause under must be attached hereto.)

PLAN PAYMENT: Debtor(s) to pay monthly: \$ 350.00.

**I. SECURED CLAIMS:**

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
Citibankna	Second Mortgage43 Colburne PathWest Yarmo	3,228.00
Citimortgage	Mortgage 43 Colburne PathWest Yarmouth, MA	5,224.00
	Total of secured claims to be paid through the Plan: \$	<u>8,452.00</u>

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
Ally Fincl	2009 GMC Sierra 2500
Citibankna	Second Mortgage43 Colburne PathWest Yarmouth, MA 0
Citimortgage	Mortgage 43 Colburne PathWest Yarmouth, MA 02673
Harbor One	2006 Ford F350 Dump Truck
Harley Davidson	2008 Harley Davidson Rocker
Rockland Federal Cr Un	2008 GMC Yukon Denali

**II. PRIORITY CLAIMS:**

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
None		

B. All Other Priority Creditors:

Creditor	Description of Claim	Amount of Claim
None		

Total of Priority Claims to Be Paid Through the Plan: \$ 0.00

**III. ADMINISTRATIVE CLAIMS:**

A. Attorneys fees (to be paid through the Plan): \$ 0.00.

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

The general unsecured creditors shall receive a dividend of 3.61% of their claims.

A. General unsecured claims: \$ 79,902.00

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
None		

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim

Total of A + B + C unsecured claims: \$ 79,902.00

D. Multiply total by percentage: \$ 2,888.00.

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

D. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
None		

Total amount of separately classified claims payable at 100%: \$ 0.00

#### V. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund Plan:

B. Modification of Secured Claims: Set forth details of modifications below or on attached sheets. This information should include name of creditor and detailed explanation of the modification. The total amount of the secured claim that is to be paid through the plan (inclusive of interest) should be set forth in Section I of this Plan.

C. Assumption/Rejection of Leases:  
None

D. Miscellaneous provisions:

#### CALCULATION OF PLAN PAYMENT:

a. Secured claims (Section I-A Total):	\$ <u>8,452.00</u>
b. Priority claims (Section II-A & B Total):	\$ <u>0.00</u>
c. Administrative claims (Section III A & B Total):	\$ <u>0.00</u>
d. Regular unsecured claims (Section IV - D Total):	\$ <u>2,888.00</u>
e. Separately classified unsecured claims (Section IV - E Total):	\$ <u>0.00</u>
f. Total of a + b + c + d + e above:	\$ <u>11,340.00</u>
g. Divide (f) by .90 for total including Trustee's fee: Cost of Plan:	\$ <u>12,600.00</u>
(This represents the total amount to be paid into the Chapter 13 Plan)	
h. Divide (g) Cost of Plan by Term of Plan: <u>36</u> months	
i. Round up to nearest dollar: Monthly Plan Payment:	\$ <u>350.00</u>
	(Enter this amount on Page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty ( 30 ) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make pre-confirmation adequate protection payments directly to the secured creditor.

#### LIQUIDATION ANALYSIS

##### I. Real Estate:

List Each Address

Fair Market Value

Total Amount of Recorded Liens  
(Schedule D)

Total Net Equity for Real Property:	\$	<u>0.00</u>
Less Total Exemptions (Schedule C):	\$	<u>0.00</u>
Available Chapter 7:	\$	<u>0.00</u>

II. Automobile

Describe year, make and model	Value	Lien	Exemption
2000 GMC Sierra 3500	2,950.00	0.00	2,950.00
2003 Chevrolet Dump Truck	11,576.00	0.00	11,576.00
2006 Ford F350 Dump Truck	10,982.00	9,107.00	1,486.00
2008 GMC Yukon Denali	22,150.00	29,800.00	0.00
2009 GMC Sierra 2500	20,525.00	28,008.00	0.00
Camper	500.00	0.00	500.00

Total Net Equity:	\$	<u>16,901.00</u>
Less Total Exemptions (Schedule C):	\$	<u>16,512.00</u>
Available Chapter 7:	\$	<u>389.00</u>

III. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)

Total Net Value:	\$	<u>10,520.00</u>
Less Exemptions (Schedule C):	\$	<u>8,520.00</u>
Available Chapter 7:	\$	<u>2,000.00</u>

**SUMMARY (Total amount available under Chapter 7):**

Net Equity (I and II) Plus Other Assets (III) less all claimed exemptions: \$ 2,389.00.  
Additional Comments regarding Liquidation Analysis:

Pursuant to the Chapter 13 rules, the debtor or his or her counsel is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Richard D. Smeloff

Debtor's Counsel

August 24, 2011

Date

Counsel's Address:

**Smeloff & Benner**

**100 Grossman Drive - Suite 305**

**Braintree, MA 02184**

Tel. # (781) 843-2323

Email Address: rsmeloff@msn.com

**I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.**

/s/ Jason S. Moriarty

Debtor

August 24, 2011

Date

/s/ Lindsey B. Moriarty

Debtor

August 24, 2011

Date

**CERTIFICATE OF SERVICE**

I, Richard D. Smeloff, Esq., hereby certify that I have served a copy first class mail, postage pre paid of the within Chapter 13 Plan to the attached distribution service list.

/s/ Richard D. Smeloff, Esq.  
Richard D. Smeloff, Esq.

Ally Fincl  
P O Box 380901  
Bloomington, MN 55438

Amex  
P.o. Box 981537  
El Paso, TX 79998

Amex  
PO Box 1270  
Newark, NJ 07101

Cape Cod 5 Ct Savings  
West Rd  
Orleans, MA 02653

Chase  
Po Box 15298  
Wilmington, DE 19850

Citi  
P.o. Box 6500  
Sioux Falls, SD 57117

Citibankna  
Po Box 769006  
San Antonio, TX 78245

Citimortgage  
Po Box 9438  
Gaithersburg, MD 20898

Harbor One  
68 Legion Pkwy  
Brockton, MA 02301

Harley Davidson  
Po Box 21829  
Carson City, NV 89721

Hsbc/bsbuy  
Po Box 15519  
Wilmington, DE 19850

Kay Jewelers  
375 Ghent Rd  
Akron, OH 44333

Rockland Federal Cr Un  
241 Union St  
Rockland, MA 02370

Sears/cbsd  
Po Box 6189  
Sioux Falls, SD 57117

Wfnnb/ann Taylor  
Po Box 182789  
Columbus, OH 43218